

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA, §
Plaintiff §
v. § Case No. 1:19-CR-00325-LY
DARNESHIA BATTLE, §
Defendant §

ORDER GRANTING MOTION TO AMEND CONDITIONS OF RELEASE

Before the Court is Defendant Darneshia Battle's Motion to Amend Conditions of Release, filed on November 3, 2020 (Dkt. 60). The District Court referred the Motion to the undersigned Magistrate Judge for resolution on November 5, 2020 (Dkt. 61). A hearing on the Motion was held on November 9, 2020 (Dkt. 63).

Defendant has been on release on conditions since April 24, 2020. *See* Dkt. 40. On October 15, 2020, the District Court accepted Defendant's guilty plea and adjudged her guilty of one count of Wire Fraud, in violation of 18 U.S.C. § 1343, and one count of Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A(a)(1). The District Court sentenced Defendant to a total term of 48 months imprisonment, pending surrender for service of sentence at the institution designated by the Bureau of Prisons as notified by the United States Marshal. Dkt. 58.

Defendant now seeks to modify the location condition restricting her to home detention so that a curfew is imposed instead, providing her with a more flexible work schedule. Dkt. 60 at 1. The Government does not oppose the Motion. *Id.* at 2.

Defendant's motion is **GRANTED**. **IT IS HEREBY ORDERED** that Paragraph 7(p) of the Amended Order Setting Conditions of Release (Dkt. 40) is **AMENDED** so that Defendant is restricted to her residence every day from 11 p.m. to 6 a.m., or as directed by the pretrial services office or supervising officer.

In view of the nature of Defendant's crimes; her history and characteristics, including her success in abiding by the terms of her release for more than six months; and the Court's need to allocate resources effectively, **IT IS FURTHER ORDERED** that Paragraph 7(q) of Defendant's Additional Conditions of Release (Dkt. 40) is **AMENDED** to remove the location monitoring condition.

Finally, the Government has asked the Court to impose a third-party risk notification requiring Defendant to notify all those who employ her while she is on release that she has been convicted of Wire Fraud and Aggravated Identity Theft. Defendant does not oppose the request, and the Court finds good cause to impose this condition. Therefore, **IT IS FURTHER ORDERED** that Defendant must notify her current employer(s) and any future employer(s) that she has been convicted of Wire Fraud and Aggravated Identity Theft.

SIGNED on November 10, 2020.

SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE